3/23/71

Mr. Richard Kleindienst
Deputy Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Kleindienst,

This is in response to your belated March 17 answer to my December 2, 1970 inquiry about <u>two</u> motion pictures of Lee Harvey Oswald being arrested in New Orleans that your Department withheld from the Warren Commission. The record indicates that even knowledge of the existence of one was suppressed. The third paragraph of your letter can be fairly interpreted as confirmation of this. My letter also referred to another <u>picture</u>, with regard to which your letter is not fully responsive. This picture also, <u>taken at the scene of the assassination</u> and <u>by an agent of Army Intelligence</u>, seems to have been denied the Warren Commission by your Department.

Your second paragraph is window-dressing, for you knew I had the cited files in my possession and have for some years. It is no response to tell me that the film was returned to "Mr. Doyle" (it was the property of "Mr. Doyle's" minor son) or to pretend to be helpful by giving me his address, for the existing record shows I have interviewed Mr. Doyle senior - and he told me the film was <u>edited</u> by the FBI and the <u>copy</u> returned to his son was a copy of the <u>edited</u> film. My request was not for verbal rubbish but for a copy of the film. I renew that request. I also ask that you conduct an investigation sufficient to assure yourself and the Attorney General that such essential evidence relating to the alleged assassin of the President was in no way tainted by anyone in your Department. And I ask how in the world <u>anyone</u> in your Department undertook to withhold such vital evidence from the Presidential Commission charged with the responsibilities of that one - or to decide for that Commission what might or might not have evidentiary value.

Your third paragraph, aside from being false, confirms that your Department undertook to make decisions for the Warren Commission, denied it evidence it should have considered for itself, and again is window-dressing. This is the film even the <u>existence</u> of which your Department suppressed. You tell me nothing in telling me John Martin's old address. I interviewed him almost three years ago. Like Mr. Doyle, he told me that the FBI had edited his film and returned a copy of the edited version. I seek a meaningful assurance that this incredible thing did not happen. Mr. Martin provided me with a copy of the film he described as edited, in the presence of several witnesses. The most cursory examination of the frames including Oswald show that they are evidence, visual in nature, that is without duplication in the Warren Commission's files. Aside from this, and aside from the fact that the Warren Commission, not the New Orleans office of the FBI, was charged with making a determination of fact in the investigation of the assassination of President Kennedy, and without disclosing to you all I think this film in even its edited form reveals, I point out two things to you, addressing your sophistry, "was found to contain nothing of value to the investigation":

It shows Oswald was a different perspective than any other existing picture, and I have been officially assured that I have seen every one provided the Warren Commission. In terms of identification alone, and especially with the still-existing question of whether some things were done and said by a real Oswald or a counterfeit, of whose existence there is abundant and redundant evidence, it has considerable "value".

It shows what can be taken as another man giving a signal to Oswald. Whether or not this is a fact should have been investigated. I have a tentative identification of this man. Here we get to the subject evaded in your first paragraph on the second page, what your Department physically removed from existing professional footage.

With regard to this, your self-serving statement begins, "Mr. Marion Johnson of the National Archives stated on December 28, 1970, that he told you that because of the copyright laws, you should get written authorization from Stations WDSU-TV and WFL-TV before the National Archives can provide you with prints of the films that you request."

Really, Mr. Kleindienst, even with the record you have established, this should be below you and it is demeaning.

First of all, if you knew this and regarded it as even relevant, why did you delay two months and 19 days in writing me when the law requires promptness?

I did not ask you for what I asked of Mr. Johnson, and either you do not tell me all he told you or he did not tell you enough. My inquiries of the Department had to do with still pictures made from these films. These stills were withheld by your Department from the Warren Commission. Johann Rush, then with WDSU-TV, made 17 stills. By recollection, if at all wrong, is not far from actuality. It is that a total of three stills exist in these files and a minimum of six different ones were shown various witnesses by the FBI, according to those reports I have resurrected from official oblivion alone. All 17 should be in the Warren Commission files. And what meaning can there be to the reports where identifications were sought in six when they are not in the files, were not and because of your Department could not have been considered by the Warren Commission?

Both stations showed me what they think is their original film. I think it is not and with regard to one I can prove it is not. When I asked WDSU for a copy, they provided the film. I took it to the same company used by the FBI in making its copies (which it seems, for some strange reason, to have done twice, perhaps accounting for what is now missing), had two prints made with WDSU's permission, sent one for stills to be made from it and kept one. What followed may interest you.

The print sent to a private photographer was somehow stolen from his lab. I had one with me, and I kept it on my person at all times. I went from New Orleans to Dallas. When I left Dallas to return to New Orleans (and believe me, there are witnesses), a mysterious "accident" befall my luggage. Even the Eastern Airlines official who reported to me what he had been told told me he didn't believe it. New Orleans was the first stop of that plane after Dallas. My baggage was not on that plane. It was searched, as it was at each of its subsequent stops. On my insistence, inquiry was made of Dallas in my presence and that of the man who met me at Moisant Airport. Dallas reported my luggage was not there. However, when ultimately and with some cost and inconvenience to me, it was "located", the explanation is that it was stuck in a baggage chute for many hours! Pictures of planes stacked over busy Love Field because the baggage chute was jammed -and nobody knew about it - or of a stuffed chute that accomodated all baggage while holding mine captive.

In even the files you cite as containing "pertinent interviews" your letter is woefully inadequate, for there are others in my possession. In this minor regard your letter is not helpful and is contrived deception, possibly for use in court? What you quote from Mr. Johnson, aside from being entirely irrelevant to the request I made of you under 5 U.S.C. 552, is further immaterial because under the laws you are not only authorized to show me these prints, but you are required to.

What you do not say, what you do not quote Mr. Johnson as saying, is that a number of FBI and other reports in my possession refer to Oswald and two others as shown in these movies giving out literature. One of these men is Charles Hall Steele, Jr. He also confirmed to me (as have others who saw it) that there was another man. Even I finally persuaded the

Secret Service to deposit its copy of the WDSU film at the National Archives, it was still wrapped with a typed caption saying it showed Oswald and two other men distributing this literature outside the Trade Mart, then managed by Clay Shaw. And who showed it to me at the National Archives, to whose attention did I call this caption? The same Marion Johnson you quote in irrelevancies only.

In my OSWALD IN NEW ORLEANS I brought to light what is not unrelated, the FBI's false representation of who got the literature Oswald distributed. When the only witnesses who could have known told the FBI it was not Oswald, the FBI reported to the Warren Commission exactly the opposite, that it was Oswald. I have interviewed these witnesses and they confirm the raw FBI reports in my possession. I have them on tape - and with and identification. To this we add the withholding from the Warren Commission of the pictures Johana Rush did supply that the FBI reports themselves say show this missing "third man", a man the FBI succeeded in never identifying or locating, if the existing records, which I have explored with perseverance and thoroughness, are neither deceptive nor incomplete. And to this we should add that it would seem that only the FBI was in a position to remove the frames of the movie from which these prints were made.

I add this charge: it is utterly false of you to say that "the National Archives can supply" the prints I asked of you, for they do not exist in the National Archives and I have their assurances of this. Whoever prepared this letter for your signature got you to sign deceptions, misrepresentations and outright lies. Were I the Deputy General of the United States, I would have an interest in this.

Now, will you please stop toying with history, playing shameful games with the evidence of the assassination of a President, making a travesty of the law, and let me see the pictures you do have and stop this shabby pretense that you do not?

And let me be helpful to you. Ed Planer, News Director of WDSU, authorized me to have a copy of their footage in November 1968, to study but not to reproduce. His address is 520 Royal Street, New Orleans, his phone is 524-4771. I am certain he will provide you with a copy of the commitment I signed and of his agreement to my having the film for study.

Meanwhile, since those who would know that I had any copy of this footage are very limited, and there would seem to be no interest greater than the FBI's, may I ask that you make a real inquiry to determine whether they have any knowledge of the theft of the one copy and the attempted theft of the second? I did keep my word to Mr. Planer, I did not show this film to anyone, and my luggage did not bear tags identifying it as holding the film. Mr. Planer will, I am sure, also inform you that since then I have sent him copies of everything I have learned about his film, as will Bill Reed at WWL-TV (1024 N. Rampart Street, 529-4444) about his film.

What is missing, or, rather, one of the things missing, in your single evasive and non-responsive paragraph about Army Intelligence Agent James W. Powell is typical of all these requests for public information, pictures that are not within any of the exceptions of 5.U.S.C.552 and are in your possession. You say only that you "returned" it to him on January 20, 1964. Considering how late it was before the FBI developed any interest at all in this picture and Powell and what they withheld from the Warren Commission about him, this, even for the FBI, was a rather hasty unloading of important evidence. What you do not say is that you made no pictures, or even that it was the original you returned to him. The FBI followed, and should have followed, what I believe to be an undeviating policy of making no less of everything. If they did not, they were grossly negligent. So, I renew this and all other requests about Powell and his picture.

That the FBI reported but one picture he had taken is not to say that he took no others. Is it within reason that an Army Intelligence agent was at the scene of the assassination of a President, with a camera, within a minute or less, and took but one picture? Here I

remind you of one of the rather important facts the FBI withheld from the Commission: that Powell also entered the Depository building and remained there for a while. Why this was unfit for the Presidential Commission perhaps you might ask the FBI, if you have any interest in the character of their "investigation". They suppressed it entirely until the Dallas police spilled it, some time after the fact. So we also have a camera-equipped Army Intelligence agent inside and confined inside the place from which the crime was allegedly committed, and he took no picture, not one? Come, now, Mr. Deputy Attorney General of the United States?

And how about Powell's reports, any statements that should have been taken from him? Is this the way the FBI "investigates", when it had a single, experienced intelligence man where a President was killed and inside the building from which it alleges he was killed? I again ask for all reports of and from Powell and access to all his pictures, and any explanation, if any was ever sought or made, of this inordinate delay in finding him, of why neither he nor the Army volunteered his evidence, of the entire incredible and shameful affair, and especially of why all this was denied the President's Commission.

Your penultimate paragraph is either an insult or a cheap device for later reference, so that you can make spurious claim to have offered to comply with the law and that I have not complied with it or the regulations, all of which is both false and a designed deception. My requests are not for that to which you allude. To government knowledge, I already possessed that, and if you were not informed about it, you were deliberately misinformed.

The most casual reading of my letter to which this is pretendly responsive shows that it is not and I again request that you address what you did not.

Your allegation that "Your request regarding film exposed by an unknown person is too vague to research" is a real gem. It avoids my question, was this person in any official capacity, like, say, an FBI agent, the FBI then having an interest in Oswald? Is this the character of the FBI diligent, unending "investigation" of a President's assassination? How many thousands of "unknown persons" were there taking pictures of the arrest of a nobody on a charge both minor and of which he was innocent? Is it too wild a guess to ask if the appearance of this (to me only perhaps) "unknown person" accounts for some of the editing, for the withholding from the Warren Commission of both films and even of knowledge of that by John Martin?

It is not too "vague" and it requires no "research" of you to ask that you ask the FBI what I originally asked of you, whether or not this person was in any official capacity or function, and I repeat that request.

It is apparent that it is your intent to continue suppression, to delay any response (and there are a number of unanswered requests after inordinate delay), to do whatever you can to wear me down and waste my effort. In this case, I will not wait another four months for more official gobbledygook. If I do not have meaningful response within a reasonable period, if it is then within my capacity I will go to federal court.

Sincerely,

Harold Weisberg